

Application No.: 10/633,367
Filing Date: August 1, 2003

REMARKS

Independent Claims 85, 91, 99, and 196 have been amended to incorporate allowable limitations from dependent claims. Claims 93, 177, 184, and 191 have been amended to be written in independent form. Claims 176, 183, 190, and 192-194 have been amended to correct claim dependencies. Claims 175, 182, and 189 have been canceled without prejudice. New Claims 200-246 have been added. Support for the new and amended claims is found in the specification and claims as filed. Claims 85-105, 176-181, 183-188, and 190-246 are pending.

Rejections under § 102 and § 103

The Examiner rejected Claims 85-89, 91, 94, 96, 97, 99, 101-104, 178, 185, 192, 196-197, and 199 under 35 U.S.C. § 102(b) as being anticipated by Shin et al. (US 2002/0161288). The Examiner rejected Claims 85, 87-89, 91, 92, 95-97, 99, 100, 102-104, 178-181, 185-188, and 192-199 under 35 U.S.C. § 103(a) as being obvious over Say et al. (US 6,175,752) in view of Shin et al. The Examiner rejected Claims 90, 98, and 105 under 35 U.S.C. § 103(a) as being obvious over Shin et al. in view of Causey III, et al. (US 6,558,320) and over Say et al. in view of Shin et al. Claims 93, 175-177, 182-184, and 189-191 were indicated as allowable if rewritten in independent form.

The allowable limitations from Claim 175 were incorporated into Claim 85. Accordingly, Applicants respectfully submit that Claims 85-90, 176, and 178-181 are allowable over the cited art.

The allowable limitations from Claim 182 were incorporated into Claim 91. Accordingly, Applicants respectfully submit that Claims 91, 92, 94-98, 183, and 185-188 are allowable over the cited art.

The allowable limitations from Claim 189 were incorporated into Claim 99. Accordingly, Applicants respectfully submit that Claims 99-105, 190, and 192-195 are allowable over the cited art.

Claim 196 has been amended to recite that the “computer system is configured to provide at least one matched data pair by matching reference glucose data to substantially time corresponding sensor data, and wherein the computer system is configured to determine a stability of the continuous glucose sensor by evaluating said at least one matched data pair.”

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These limitations correspond to the allowable limitations in Claim 93. Accordingly, Applicants respectfully submit that Claims 196-199 are allowable over the cited art.

Claims 93, 177, 184, and 191 have been rewritten in independent form and therefore are allowable as indicated by the Examiner. New Claims 200-238 depend from one of these claims either directly or through intervening claims.

New Claim 239 corresponds to previously presented Claim 196 with the additional limitation that the predetermined level of stability of the continuous glucose sensor has been determined “by evaluating a sensitivity associated with the continuous glucose sensor.” This limitation corresponds to the allowable limitation in Claim 182. Accordingly, Applicants respectfully submit that new Claims 239-242 are allowable over the cited art.

New Claim 243 corresponds to previously presented Claim 196 with the additional limitation that the predetermined level of stability of the continuous glucose sensor has been determined “by evaluating a level of oxygen.” This limitation corresponds to the allowable limitation in Claim 184. Accordingly, Applicants respectfully submit that new Claims 243-246 are allowable over the cited art.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

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Co-Pending Applications of Assignee

Applicant wishes to draw the Examiner's attention to the following co-pending applications of the present application's assignee.

Serial Number	Title	Filed
09/916386	MEMBRANE FOR USE WITH IMPLANTABLE DEVICES	7/27/2001
10/768889	MEMBRANE FOR USE WITH IMPLANTABLE DEVICES	1/29/2004
11/021162	SENSOR HEAD FOR USE WITH IMPLANTABLE DEVICES	12/22/2004
08/811473	DEVICE AND METHOD FOR DETERMINING ANALYTE LEVELS	3/4/1997
09/447227	DEVICE AND METHOD FOR DETERMINING ANALYTE LEVELS	11/22/1999
11/021046	DEVICE AND METHOD FOR DETERMINING ANALYTE LEVELS	12/22/2004
10/153356	TECHNIQUES TO IMPROVE POLYURETHANE MEMBRANES FOR IMPLANTABLE GLUCOSE SENSORS	5/22/2002
11/404418	SILICONE BASED MEMBRANES FOR USE IN IMPLANTABLE GLUCOSE SENSORS	4/14/2006
11/280672	TECHNIQUES TO IMPROVE POLYURETHANE MEMBRANES FOR IMPLANTABLE GLUCOSE SENSORS	11/16/2005
11/280102	TECHNIQUES TO IMPROVE POLYURETHANE MEMBRANES FOR IMPLANTABLE GLUCOSE SENSORS	11/16/2005
10/646333	OPTIMIZED SENSOR GEOMETRY FOR AN IMPLANTABLE GLUCOSE SENSOR	8/22/2003
11/416058	OPTIMIZED SENSOR GEOMETRY FOR AN IMPLANTABLE GLUCOSE SENSOR	5/2/2006
11/416346	OPTIMIZED SENSOR GEOMETRY FOR AN IMPLANTABLE GLUCOSE SENSOR	5/2/2006
11/415631	OPTIMIZED SENSOR GEOMETRY FOR AN IMPLANTABLE GLUCOSE SENSOR	5/2/2006
10/647065	POROUS MEMBRANES FOR USE WITH IMPLANTABLE DEVICES	8/22/2003
10/842716	BIOINTERFACE MEMBRANES INCORPORATING BIOACTIVE AGENTS	5/10/2004
11/416825	BIOINTERFACE MEMBRANES INCORPORATING BIOACTIVE AGENTS	5/3/2006
11/416734	BIOINTERFACE MEMBRANES INCORPORATING BIOACTIVE AGENTS	5/3/2006

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11/654135	POROUS MEMBRANES FOR USE WITH IMPLANTABLE DEVICES	1/17/2007
10/633367	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	8/1/2003
10/896637	ROLLED ELECTRODE ARRAY AND ITS METHOD FOR MANUFACTURE	7/21/2004
10/896639	OXYGEN ENHANCING MEMBRANE SYSTEMS FOR IMPLANTABLE DEVICES	7/21/2004
11/410392	OXYGEN ENHANCING MEMBRANE SYSTEMS FOR IMPLANTABLE DEVICES	4/25/2006
11/675063	ANALYTE SENSOR	2/14/2007
11/410555	OXYGEN ENHANCING MEMBRANE SYSTEMS FOR IMPLANTABLE DEVICES	4/25/2006
10/897377	ELECTROCHEMICAL SENSORS INCLUDING ELECTRODE SYSTEMS WITH INCREASED OXYGEN GENERATION	7/21/2004
10/897312	ELECTRODE SYSTEMS FOR ELECTROCHEMICAL SENSORS	7/21/2004
10/632537	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	8/1/2003
11/038340	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	1/18/2005
12/098359	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	4/4/2008
12/098353	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	4/4/2008
12/098627	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	4/7/2008
10/633404	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	8/1/2003
11/865660	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	10/1/2007
10/633329	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	8/1/2003
10/648849	SYSTEMS AND METHODS FOR REPLACING SIGNAL ARTIFACTS IN A GLUCOSE SENSOR DATA STREAM	8/22/2003
11/498410	SYSTEMS AND METHODS FOR REPLACING SIGNAL ARTIFACTS IN A GLUCOSE SENSOR DATA STREAM	8/2/2006
11/763215	SILICONE COMPOSITION FOR BIOCOMPATIBLE MEMBRANE	6/14/2007
11/007920	SIGNAL PROCESSING FOR CONTINUOUS ANALYTE SENSOR	12/8/2004

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10/991353	AFFINITY DOMAIN FOR ANALYTE SENSOR	11/16/2004
11/007635	SYSTEMS AND METHODS FOR IMPROVING ELECTROCHEMICAL ANALYTE SENSORS	12/7/2004
10/991966	INTEGRATED RECEIVER FOR CONTINUOUS ANALYTE SENSOR	11/17/2004
11/055779	BIOINTERFACE MEMBRANE WITH MACRO- AND MICRO-ARCHITECTURE	2/9/2005
10/789359	INTEGRATED DELIVERY DEVICE FOR CONTINUOUS GLUCOSE SENSOR	2/26/2004
11/004561	CALIBRATION TECHNIQUES FOR A CONTINUOUS ANALYTE SENSOR	12/3/2004
11/543707	DUAL ELECTRODE SYSTEM FOR A CONTINUOUS ANALYTE SENSOR	10/4/2006
11/543539	DUAL ELECTRODE SYSTEM FOR A CONTINUOUS ANALYTE SENSOR	10/4/2006
11/543683	DUAL ELECTRODE SYSTEM FOR A CONTINUOUS ANALYTE SENSOR	10/4/2006
11/543734	DUAL ELECTRODE SYSTEM FOR A CONTINUOUS ANALYTE SENSOR	10/4/2006
11/034344	IMPLANTABLE DEVICE WITH IMPROVED RADIO FREQUENCY CAPABILITIES	1/11/2005
11/034343	COMPOSITE MATERIAL FOR IMPLANTABLE DEVICE	1/11/2005
10/838912	IMPLANTABLE ANALYTE SENSOR	5/3/2004
10/838909	IMPLANTABLE ANALYTE SENSOR	5/3/2004
10/838658	IMPLANTABLE ANALYTE SENSOR	5/3/2004
10/885476	SYSTEMS AND METHODS FOR MANUFACTURE OF AN ANALYTE-MEASURING DEVICE INCLUDING A MEMBRANE SYSTEM	7/6/2004
11/077759	TRANSCUTANEOUS MEDICAL DEVICE WITH VARIABLE STIFFNESS	3/10/2005
11/077715	TRANSCUTANEOUS ANALYTE SENSOR	3/10/2005
11/077883	TRANSCUTANEOUS ANALYTE SENSOR	3/10/2005
11/077739	TRANSCUTANEOUS ANALYTE SENSOR	3/10/2005
11/077740	TRANSCUTANEOUS ANALYTE SENSOR	3/10/2005
11/077765	TRANSCUTANEOUS ANALYTE SENSOR	3/10/2005
11/078230	TRANSCUTANEOUS ANALYTE SENSOR	3/10/2005
11/078232	TRANSCUTANEOUS ANALYTE SENSOR	3/10/2005
11/077713	TRANSCUTANEOUS ANALYTE SENSOR	3/10/2005
11/077693	TRANSCUTANEOUS ANALYTE SENSOR	3/10/2005

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11/077714	TRANSCUTANEOUS ANALYTE SENSOR	3/10/2005
11/077763	METHOD AND SYSTEMS FOR INSERTING A TRANSCUTANEOUS ANALYTE SENSOR	3/10/2005
11/925603	TRANSCUTANEOUS ANALYTE SENSOR	10/26/2007
11/077643	TRANSCUTANEOUS ANALYTE SENSOR	3/10/2005
11/078072	TRANSCUTANEOUS ANALYTE SENSOR	3/10/2005
11/360262	ANALYTE SENSOR	2/22/2006
11/411656	ANALYTE SENSOR	4/26/2006
11/360299	ANALYTE SENSOR	2/22/2006
11/439630	ANALYTE SENSOR	5/23/2006
11/373628	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA FOR SENSOR CALIBRATION	3/9/2006
11/404929	ANALYTE SENSING BIOINTERFACE	4/14/2006
11/335879	CELLULOSIC-BASED INTERFERENCE DOMAIN FOR AN ANALYTE SENSOR	1/18/2006
11/654140	MEMBRANES FOR AN ANALYTE SENSOR	1/17/2007
11/413238	CELLULOSIC-BASED RESISTANCE DOMAIN FOR AN ANALYTE SENSOR	4/28/2006
11/157746	TRANSCUTANEOUS ANALYTE SENSOR	6/21/2005
11/157365	TRANSCUTANEOUS ANALYTE SENSOR	6/21/2005
11/158227	TRANSCUTANEOUS ANALYTE SENSOR	6/21/2005
11/334876	TRANSCUTANEOUS ANALYTE SENSOR	1/18/2006
11/360252	ANALYTE SENSOR	2/22/2006
11/360819	ANALYTE SENSOR	2/22/2006
11/333837	LOW OXYGEN IN VIVO ANALYTE SENSOR	1/17/2006
11/404417	SILICONE BASED MEMBRANES FOR USE IN IMPLANTABLE GLUCOSE SENSORS	4/14/2006
11/360250	ANALYTE SENSOR	2/22/2006
11/842151	ANALYTE SENSOR	8/21/2007
11/543396	ANALYTE SENSOR	10/4/2006
11/543490	ANALYTE SENSOR	10/4/2006
11/543404	ANALYTE SENSOR	10/4/2006
11/691426	ANALYTE SENSOR	3/26/2007
11/691432	ANALYTE SENSOR	3/26/2007
11/691424	ANALYTE SENSOR	3/26/2007
11/691466	ANALYTE SENSOR	3/26/2007

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11/750907	ANALYTE SENSORS HAVING A SIGNAL-TO-NOISE RATIO SUBSTANTIALLY UNAFFECTED BY NON-CONSTANT NOISE	5/18/2007
60/942787	INTEGRATED DELIVERY DEVICE FOR CONTINUOUS GLUCOSE SENSOR	6/8/2007
11/855101	TRANSCUTANEOUS ANALYTE SENSOR	9/13/2007
60/978305	SYSTEM AND METHODS FOR PROCESSING AND DISPLAYING ANALYTE SENSOR DATA	10/8/2007
60/982647	ANALYTE SENSOR	10/25/2007
61/014398	SYSTEMS AND METHODS FOR PROCESSING SENSOR DATA	12/17/2007
61/024841	CONTINUOUS CARDIAC MARKER SENSOR SYSTEM	1/30/2008
61/030179	CONTINUOUS MEDICAMENT SENSOR SYSTEM FOR IN VIVO USE	2/20/2008
61/030499	SYSTEMS AND METHODS FOR PROCESSING, TRANSMITTING AND DISPLAYING SENSOR DATA	2/21/2008
61/040594	POLYMER MEMBRANES FOR CONTINUOUS IN VIVO ANALYTE SENSORS	3/28/2008
12/055098	ANALYTE SENSOR	3/25/2008
12/054953	ANALYTE SENSOR	3/25/2008
11/515443	SYSTEMS AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	9/1/2006
11/762638	SYSTEMS AND METHODS FOR REPLACING SIGNAL DATA ARTIFACTS IN A GLUCOSE SENSOR DATA STREAM	6/13/2007
11/692154	DUAL ELECTRODE SYSTEM FOR A CONTINUOUS ANALYTE SENSOR	3/27/2007
11/865572	DUAL ELECTRODE SYSTEM FOR A CONTINUOUS ANALYTE SENSOR	10/1/2007
11/681145	ANALYTE SENSOR	3/1/2007
11/503367	ANALYTE SENSOR	8/10/2006
11/690752	TRANSCUTANEOUS ANALYTE SENSOR	3/23/2007
11/734184	TRANSCUTANEOUS ANALYTE SENSOR	4/11/2007
11/734203	TRANSCUTANEOUS ANALYTE SENSOR	4/11/2007
11/734178	TRANSCUTANEOUS ANALYTE SENSOR	4/11/2007
11/445792	ANALYTE SENSOR	6/1/2006
12/055114	ANALYTE SENSOR	3/25/2008
12/055078	ANALYTE SENSOR	3/25/2008
12/055149	ANALYTE SENSOR	3/25/2008

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12/055203	ANALYTE SENSOR	3/25/2008
12/055227	ANALYTE SENSOR	3/25/2008
11/546157	DEVICE AND METHOD FOR DETERMINING ANALYTE LEVELS	10/10/2006
10/846150	ANALYTE MEASURING DEVICE	5/14/2004
12/037830	ANALYTE MEASURING DEVICE	2/26/2008
12/037812	ANALYTE MEASURING DEVICE	2/26/2008
09/489588	DEVICE AND METHOD FOR DETERMINING ANALYTE LEVELS	1/21/2000
10/657843	DEVICE AND METHOD FOR DETERMINING ANALYTE LEVELS	9/9/2003
09/636369	SYSTEMS AND METHODS FOR REMOTE MONITORING AND MODULATION OF MEDICAL DEVICES	8/11/2000
09/916858	DEVICE AND METHOD FOR DETERMINING ANALYTE LEVELS	7/27/2001
11/039269	DEVICE AND METHOD FOR DETERMINING ANALYTE LEVELS	1/19/2005
07/216683	BIOLOGICAL FLUID MEASURING DEVICE	7/7/1988

Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns that might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 9-19-08

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